

1 had it the last one. Because the -- not the brother of
2 the judge, Judge Barbas' brother, but the other woman
3 involved had moved to recuse all these judges.

4 Anyway, Judge Holder had denied that
5 motion. He had a hearing. He made a ruling. Judge
6 Barbas' brother didn't like his ruling and he moved to
7 recuse him. Judge Holder got upset about it, whatever.
8 Anyway, he recused himself.

9 There was no more family law judges. We
10 tried to see if we could run it through the Civil
11 Division to see if somebody there could handle it to
12 save the expense of sending it out of county. It ended
13 in my division blind rotation. I got the lucky draw.
14 It came to me.

15 An Order came in to be signed that
16 reflected that hearing. Well, I wasn't there. I
17 didn't know there was a lot of blanks to be filled in.
18 So that's when I talked to Judge Holder about it the
19 first time. I said, "Look, can you enter this Order?"
20 what we call nunc pro tunc, which means back to the
21 time when you heard it before you recused yourself?
22 And he says, "I don't know."

23 Anyway, he looked at it and he entered
24 the Order. He entered the Order on, I've got it
25 written down here, entered the Order and July 10th.

1 Well, apparently the guy didn't like his
2 Order that he entered. He filed a Motion for Rehearing
3 on the 20th of July. Okay. Now, I find out about it
4 on the 25th or 26th; right before this day is when I
5 first find out because they called to set the hearing
6 in front of me. Well -- because it's assigned to me.

7 But I can't have a rehearing on a case I
8 never heard in the first place. I mean, how could I
9 rule on that? And also Motions for Rehearing, you have
10 to meet certain legal criteria before you can even have
11 a Motion for Rehearing.

12 So, that's what I wanted to talk to Judge
13 Holder about, was to whether or not he could take a
14 look at that and make a legal decision, because since
15 he had recused himself he couldn't get in any factual
16 stuff or any substantive areas, but a legal decision I
17 think he could have made and determined whether or not
18 a Motion for Rehearing was appropriate.

19 So that's -- that was the Barbas case,
20 what -- what I was talking about it, and how the time
21 frame on that worked.

22 Q Okay, sir.

23 A And I didn't have those dates when we
24 gave the other interview, so I wanted to clarify it.

25 Q Thank you.

1 A Sorry. Did I go over?

2 Q Well, you were close.

3 A Okay.

4 Q I'm going to ask if they have any
5 questions of you, all right. Let's do it a little
6 different, let's start on the front row this time.

7 GRAND JUROR: Not yet.

8 MR. HILL: Okay. Yes, ma'am.

9 EXAMINATION

10 BY GRAND JUROR:

11 Q Judge Bonanno, my question is if you go
12 to a judge, I mean, if you go to his chambers to visit
13 him --

14 A Yes, ma'am.

15 Q -- perhaps if someone came to you, well,
16 is it common that you guys enter through your private
17 office to talk to one another, or you would go through
18 the front door?

19 A Either one.

20 Q Either one?

21 A Either one. I'll give you an example.

22 When --

23 (Pause in the proceedings.)

24 A Let me give you an example. Before this
25 incident happened, while I was Acting Chief Judge, I

1 was at lunchtime in my office in the -- in the
2 conference room area talking with Nancy Llanos, one of
3 our administrators. And the door was closed. My
4 secretary had gone to lunch. I don't know whether it
5 was locked or it was closed.

6 Who came in to see me? Judge Holder. He
7 didn't knock. He didn't announce himself. He just
8 came in through a closed door where the J.A. office is
9 and walked right into the conference room where I was
10 in there talking to this lady.

11 Q But that was not your private office, am
12 I right? Is that correct?

13 A No, that was into the other office,
14 because there's no door into my private office.

15 Q I guess that's what my question is, being
16 that --

17 A Yeah.

18 Q -- it's labeled as your private office.
19 So I'm thinking if this is my private office, anyone
20 wants to come in and see me would come through my door.
21 This is what I'm trying to find out.

22 A Yeah.

23 Q Is it common for the judges --

24 A Either way.

25 Q -- to walk into other judges' private

1 offices and start --

2 A I've done that plenty times.

3 Q Okay.

4 A And to a lot of judges.

5 Q Okay.

6 A Where -- I'll either go through the
7 office or through the J.A.

8 Q I was just trying to find out what's the
9 practice.

10 A Because all the offices are set up
11 different.

12 Q Uh-huh.

13 A Some -- some allow -- have a door that
14 goes into their office and some don't.

15 Q Okay.

16 A Most of them don't but some --

17 Q So this is pretty much common practice --

18 A Absolutely.

19 Q -- for judges to do this?

20 A Absolutely.

21 Q Okay.

22 MR. HILL: Question?

23 BY GRAND JUROR:

24 Q You were in Judge Ficarrotta's office
25 prior to going --

1 A No. I had dropped off the statistics at
2 his office door.

3 Q At his door?

4 A Yeah, I didn't go inside.

5 Q So you weren't actually -- you didn't see
6 him; you weren't in there talking to him prior?

7 A No. No.

8 Q Okay. Were you ever aware that Judge
9 Holder was supposed to be out of town, or did you think
10 he was leaving later --

11 A No.

12 Q -- that weekend?

13 A I didn't know anything about that.

14 Q If I told you that we heard from --

15 MR. HILL: Why don't you just ask the
16 question without that?

17 GRAND JUROR: Okay. I don't know how to
18 do that.

19 BY GRAND JUROR (resuming):

20 Q Well, when you came in the office, you
21 came in the private office back -- that door from the
22 hallway?

23 A Uh-huh.

24 Q And you said you walked through, you said
25 hello or called Judge Holder's name or whatever --

1 A Uh-huh.

2 Q -- and you walked through -- excuse me,
3 I'm losing my voice today -- into the conference or
4 what is that thing, the hearing --

5 A Hearing room, conference room.

6 Q -- and didn't see anybody. And then you
7 heard a sound, but you didn't know exactly what it was?

8 A Uh-huh.

9 Q Where were you at that point when you
10 heard this noise?

11 A Looking at the --

12 Q Looking at the photograph?

13 A -- at the photograph.

14 Q How -- how long was it between the time
15 that you -- you were looking at the photograph, you
16 heard this noise, and then between the time you heard
17 that noise and heard Bailiff Gay say, "Hello," or
18 "Who's there?" or whatever, do you have any
19 recollection on what that time frame was?

20 A I'm looking -- I'm looking at the
21 photograph. I mean I can just -- it was a matter of a
22 few seconds. I'm looking at the photograph, I hear
23 the noise. I say, "Greg?" And then second, second and
24 a half, two she calls out. And I walk into that
25 doorway into the, you know, other area. Just that

1 short a time.

2 I mean, the whole thing -- that whole
3 thing from when I first heard the noise until she calls
4 out that I go in there took just a matter of a few
5 seconds, you know. It's --

6 GRAND JUROR: Thank you.

7 MR. HILL: Anybody else on the front row?

8 Yes sir.

9 BY GRAND JUROR:

10 Q Excuse me, Your Honor. Are you left or
11 right-handed?

12 A Right-handed.

13 MR. HILL: Other questions? Yes, sir.

14 BY GRAND JUROR:

15 Q What are your feelings on Judge
16 Ficarrota's decision to resign?

17 A I have none. You know, that's his
18 decision. I -- I don't know enough about the facts of
19 why he did it to comment on whether it was a good idea,
20 or bad idea, or --

21 Q Because I think it was stated that he was
22 resigning due to the extramarital affair that he was
23 having here in the courthouse. I just wanted to --

24 MR. FERNANDEZ: Well, for the record --

25 THE WITNESS: Let the record reflect that

1 he's talking to me.

2 (Conference between Mr. Fernandez and the
3 witness.)

4 A All right. What was the question? I'm
5 sorry.

6 Q I just wanted to get your feeling about
7 maybe he's stating that he's stepping down due to the
8 fact of an extramarital affair between a county
9 employee and a judge?

10 A Did he say that? I don't -- I didn't
11 know he said that.

12 FURTHER EXAMINATION

13 BY MR. HILL:

14 Q Well, the question is assume that that's
15 correct. Assume that for the sake of this question.

16 (Conference between Mr. Fernandez and the
17 witness.)

18 A I don't know that I can explain to you,
19 but as a judge I have certain -- the Judicial -- the
20 Code of Judicial Conduct doesn't allow me to get into
21 certain things under these circumstances. And so my
22 attorney tells me that I can't get into talking about
23 that.

24 Q Wait a minute. You're asked an opinion
25 question in front of the Grand Jury --

1 A About some other individual.

2 Q And who do you think is going to hear
3 this testimony in front of the Grand Jury?

4 A Who do I think is going to hear it?

5 Q Yeah.

6 A I don't know. Nobody I guess. It's just
7 us here. But under the Code of Judicial Conduct I --
8 it's his opinion that I can't answer it. I'd be
9 violating the code.

10 Q You're familiar with the code?

11 A Somewhat.

12 Q Share with him the particular Canon
13 involved.

14 A I think it's 2(c).

15 MR. FERNANDEZ: 2(b).

16 A 2(b).

17 Q And you're saying that you can't express
18 an opinion on another judge?

19 A That's what -- that's what he's advised
20 me.

21 Q Is that your opinion also? You also are
22 a lawyer and a judge.

23 A I don't know. I'm not -- well, I -- I
24 know that we can't -- the way it normally comes up is
25 people want you to appear in court, you know, as a

1 character witness and stuff and you can't -- you can't
2 appear. That's the classical way that it normally
3 comes up under that code section. But it's been
4 interpreted more broadly than that from what I
5 understand.

6 GRAND JUROR: Can I just clarify your
7 question? You're not asking him if Judge
8 Ficarrotta had an affair with this woman, you're
9 asking him just how he feels about the
10 resignation; is that correct?

11 MR. HILL: Right.

12 GRAND JUROR: Okay. I just wanted to
13 make sure I understand the question.

14 BY MR. HILL (resuming):

15 Q Does that help clarify it, Judge?

16 A How I feel that he resigned? Like I
17 said, I don't know why he resigned and I don't know,
18 you know, what his motivations were. And I can't -- I
19 really don't know.

20 Q Do you think it's proper for a judge to
21 carry on a relationship like that with a county
22 employee?

23 (Conference between Mr. Fernandez and the
24 witness.)

25 A He says again that's -- that's that same

1 area.

2 Q Judge, did you ever teach an ethics
3 class?

4 A No.

5 Q Have you ever attended an ethics class?

6 A Of course.

7 Q Do they ever talk about things like this?

8 A In ethics classes?

9 Q Yeah.

10 A I guess they did. I don't know, it's
11 been 30 years ago that I took ethics in -- in college,
12 in law school. Is that what you're talking about?

13 Q No, continuing legal education required
14 for judges?

15 A We talk about ethics, talk about -- yeah,
16 we have to take so many hours of ethics a year --

17 Q Every year?

18 A -- every so many years.

19 MR. HILL: Anything else? Yes, ma'am.

20 FURTHER EXAMINATION

21 BY GRAND JUROR:

22 Q I have two questions. You stated that
23 before this incident on July 27th that you wouldn't
24 even have known Sylvia Gay's name?

25 A I don't think I did.

1 Q Why then do you think you said that she
2 had bad feelings towards you or that she was nervous
3 with you around? Why would you think that if you
4 didn't even know who she was?

5 A No, no, I think that now, not at the time
6 I didn't. Not at the time.

7 Q Okay.

8 A But I've since learned about, you know,
9 how close she was with -- with the other bailiff and
10 with Judge Holder. And that --

11 Q Well, you said you felt before anytime
12 you had been in the office that you got the feeling
13 that she was thinking, oh, the enemy's here?

14 A No, no, no, not before. No, I -- no, I
15 realize that now after what I've learned. At that time
16 I didn't have -- no, she acted perfectly nonchalant and
17 very friendly. There was no problems at all. I had a
18 short little conversation with her and it was very
19 pleasant and then we left the office.

20 Q I have another quick question.

21 A Uh-huh.

22 Q You said that you and Judge Holder were
23 on a cordial working relationship?

24 A Uh-huh.

25 Q Why do you think in your opinion he

1 reacted the way he did with you being in his office?

2 A I don't know.

3 Q If you had been there before as you said,
4 did he know that you were there with your classes and
5 why --

6 A I don't know.

7 Q -- would he have reacted this way this
8 time?

9 A I don't know.

10 Q You have no opinion as to why?

11 A I have -- I've heard rumors of stuff that
12 he's -- bad things he's said about me, but after the
13 fact. But not at the time I didn't.

14 You know, during the time when I was
15 Acting Chief Judge he came to my office at least, let's
16 say the two to three months prior to this, he came to
17 my office at least six or seven times to talk about
18 various things, to tell me that he thought that Judge
19 Barton --

20 Q Various gossip things that were going on?

21 A No, no, talk about just working stuff,
22 very friendly, that we should -- about -- you know,
23 because we made certain moves during that period of
24 time.

25 I had moved -- in my capacity as Acting

1 Chief Judge I had moved Marva Crenshaw from as a County
2 Judge to Acting Circuit Judge. And he told me he
3 thought that was a bad idea, that she wasn't qualified,
4 she shouldn't do that, I shouldn't put her there.

5 And that -- and then Judge Barton was in
6 the General Civil Division. Another time he came, he
7 said he thought that I should not let Barton be there,
8 that I should put Claudia Isom there.

9 Q Okay.

10 A And, you know, various things like that.
11 But it was quite a few times. I mean, I had no clue.

12 Q Just one more quick thing, I'm sorry. It
13 will be real quick I think. You said that you'd been
14 there a couple times a month, you said like seven or
15 eight times in the 90 days prior to this, so two or
16 three times a month you had been to his office.

17 Did any of those other times you just
18 walk in? Or what were you there to see him for those
19 other two or three times a month?

20 A Well, no, I don't want to say it was two
21 or three times a month. I was just thinking back in
22 the immediate time prior to this incident happened.

23 I went there one time, I can't tell you
24 exactly when it was, to get this cigar from my
25 son-in-law, one time to take the humidor back. One